

REMARKS

This amendment is in response to the Office Action mailed on March 17, 2006. With this Amendment, claims 1, 4, 14, 15, 18 and 20 are amended. Claims 2, 3, 16 and 17 are canceled. All of now pending claims 1, 4-15 and 18-23 are presented for reconsideration and allowance.

Allowable Subject Matter

In section 8 of the Office Action, the Examiner objected to claims 7, 13, 19 and 23, but stated that these claims would be allowable if rewritten in independent form. The Examiner's indication of allowable subject matter in these claims is appreciated.

Claim Rejections Under 35 U.S.C. § 102

In section 2, the Office Action claims 1-2 and 15-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wiseloge (U.S. Patent No. 6,130,796). With this present Amendment, independent claim 1 has been amended to include the limitations from now canceled claims 3 and 4. Independent claim 15 is amended to include the limitations from now canceled claims 16 and 17. Since each of independent claims 1 and 15 are amended to include limitations from a dependent claim which the Office Action has acknowledged are not taught or suggested by Wiseloge, it is respectfully requested that the rejections under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

In section 6 of the Office Action, claims 3-6, 8-10, 17-18 and 20 were rejected under 35 U.S.C. § 103(a) being unpatentable over Wiseloge in view of Patterson (U.S. Patent No. 6,480,361). In section 7 of the Office Action, claims 11-12 and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiseloge, in view of Patterson, and further in view of Emo et al. (U.S. Patent No. 6,260,257). With this present Amendment, independent claim 1 has been amended to include the limitations from now canceled claims 3 and 4. Independent claim 15 is amended to include the limitations from now canceled claims 16 and 17. Therefore, in the following remarks, the rejections under 35 U.S.C. § 103(a) are considered as being applied to independent claims 1 and 15 as well. It is respectfully submitted that, as amended, independent

claims 1 and 15 are in allowable condition.

As amended, independent claim 1 is directed to a method which includes the step of “identifying a last usable track on a surface, beyond a default maximum track, as a function of a bias or position parameter.” (Emphasis added). The method of claim 1 further includes the step of “defining a standoff band of tracks relative to the last usable track to obtain an achieved maximum track on the surface.” In section 6, the Office Action acknowledged that Wiselogle fails to particularly disclose that the last usable track is identified as a function of a bias or position parameter. The Office Action stated, however, that Patterson teach this limitation.

A review of Patterson reveals that this patent does not teach the step of identifying a last usable track on a surface, beyond a maximum track, as a function of a bias or position parameter. To the contrary, Patterson does not teach position or bias parameters in general, and more specifically does not teach use of a bias or position parameter to identify a last usable track on a surface. Instead, Patterson teaches the use of moveable load/unload parking members or ramps.

Nowhere in Patterson is a last usable track referenced. Further, nowhere is it taught in Patterson to use a position or bias parameter to determine the last usable track. The terms “bias” and “position” are used in Patterson, but they are not used to describe a parameter. In Patterson, the term “bias” is used to describe a biasing device which “may have a spring on the bearing shaft assembly biasing the member 152 counterclockwise and have a separate electromagnet positioned to overcome the spring bias when energized, during drive startup and operation, which rotates and holds the parking arm clockwise in the second position” (col. 5, line 64- col. 6, line 3). This does not, however, refer to a bias parameter. The term “position” is used by Patterson in reference to a parking member as it “is operable to move between a first position during drive shutdown and a second position during drive operation” (abstract, Patterson). However, this is likewise not a teaching of a position parameter. Nowhere is a bias or position parameter for determining the last track taught in Patterson.

Since neither Patterson nor Wiselogle teach or suggest identifying the last usable track, beyond a default maximum track, as a function of a bias or position parameter, the combination of Patterson and Wiselogle do not teach or suggest the invention of independent claim 1 or dependent claims 4-14. Further, Emo et al. (hereafter “Emo”) also fails to teach or suggest the use of a bias or position parameter to identify the last usable track beyond a default maximum

track as a function of a bias or position parameter. Therefore, claims 1 and 4-14 are believed to be in condition for allowance, and it is respectfully requested that the rejection of these claims be withdrawn. In addition to being patentable over the cited references, based upon their dependence from independent claim 1, multiple of dependent claims 4-14 include further limitations which are neither taught nor suggested in the cited references.


Independent claim 15 is directed to a system comprising a controller configured to control movement of a head/actuator over a surface. The system claim further recites processing circuitry configured to execute steps which are substantially the same as those discussed above with reference to independent claim 1. Since it has been demonstrated that the cited references do not teach or suggest the limitation of "identifying a last usable track on the surface, beyond a default maximum track, as a function of a bias or position parameter," it is respectfully submitted that the cited art does not teach processing circuitry so configured. Consequently, it is believed that independent claim 15 and dependent claims 18-23 are also in condition for allowance, and it is respectfully requested that the rejection of these claims be withdrawn. Further, dependent claims 18-23 include additional limitations which are neither taught nor suggested in the cited art.

In light of the above remarks, claims 1, 4-15 and 18-23 are believed to be in form for allowance. Reconsideration and allowance of all pending claims are therefore respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 
John D. Veldhuis-Kroeze, Reg. No. 38,354
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3244
Phone: (612) 334-3222
Fax: (612) 334-3312